

Exhibit 89

Plaintiffs' Corrected Averment of Jurisdictional Facts and
Evidence and/or Statement of Facts as to Defendant Al Rajhi Bank
Pursuant to Rule 56.1

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CENTRAL INTELLIGENCE AGENCY



DIRECTORATE OF INTELLIGENCE

[REDACTED]

10 March 2003

Al-Qa'ida in Sudan, 1992-96: Old School Ties Lead Down Dangerous Paths

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**Al-Qa'ida in Sudan, 1992-96: Old School Ties
Lead Down Dangerous Paths** [REDACTED]**Key Findings (U)**

While based in Sudan from 1992-96, al-Qa'ida was transformed from an only partially realized idea to an international organization ready to operate on its own. A major factor in this development was the education al-Qa'ida members received working with officials of Sudan's National Islamic Front (NIF) to strengthen Sudan—some reporting says to build an international jihad infrastructure—which may have included the intent to acquire a weapons of mass destruction capability.

- Al-Qa'ida left Sudan with an independent ability to establish and operate training camps and possibly small-arms and ammunition production facilities. Al-Qa'ida members probably also improved upon technical communications skills they originally had brought with them to Sudan from Afghanistan.
 - While in Sudan, al-Qa'ida developed relations with every noteworthy Islamic extremist group, including Lebanese Hizballah. Relations with some groups, such as those from North Africa, have since grown to the point of cooperation on terrorist operations. Relations have probably similarly expanded with other groups about which we lack detailed information.
 - Some [REDACTED] suggests that the NIF, the Iranian Revolutionary Guard Corps, and al-Qa'ida worked together on selected projects to support Islamic extremist groups.
 - Intelligence reporting on contacts between Iraq and al-Qa'ida—brokered by the NIF—shows meetings often included senior Iraqi officials and suggests the contacts culminated by 1995 in Iraq's provision of explosives training to al-Qa'ida. [REDACTED]
 - Al-Qa'ida received funding from wealthy backers of the Sudanese regime and the international jihad they supported. [REDACTED]
- [REDACTED]

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- Al-Qa'ida might have obtained more equipment or expertise required to improve its chemical, biological, and nuclear capabilities than we currently know about through contacts al-Qa'ida members made during their years in Sudan.
- We could be surprised by an attack, assisted by al-Qa'ida or other groups, from Islamic extremists who have not yet attacked US interests but who established relations with al-Qa'ida in the mid-1990s, such as those in Senegal or Thailand, or the Jama'at al-Fuqra in North America.
- The contacts and capabilities al-Qa'ida members established in the Sudan period give them a flexibility that may help the group find creative and replicatable ways to compensate for the loss of its safehaven in Afghanistan.
- Sudan may once again serve as a significant safehaven for some elements of al-Qa'ida, where they might renew connections or programs begun in the mid-1990s. Al-Qa'ida members have already found safehaven in the Kurdish-controlled semiautonomous region of northern Iraq, over which Baghdad has little control, with Iraq's knowledge. [REDACTED]

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Contents

	<i>page</i>
Key Findings (U)	i
Scope Note (U)	iv
Terrorist University, 1992-96 (C)	1
Weapons Production and Acquisition	1
Chemical, Biological, Nuclear, and Radiological (CBRN) Programs	2
Communications Infrastructure	2
Financial Infrastructure	3
Training on Military Tactics	3
Relations With Other Groups and States	3
Postgraduation: Proven Sustainability Through 2002 (C)	6
Key Programs Are Loose Threads (C)	7
Still Working With Sudanese Officials?	7
CBRN Programs	8
Gray Arms	9
Cooperation With More Obscure Extremist Groups	9
Implications (U)	10
[REDACTED]	10

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Scope Note (U)

This paper was written in response to a request to review information on al-Qa'ida's years in Sudan, 1992-96, with the benefit of hindsight, to identify key issues or threads of reporting whose importance may not have been apparent then or which may need additional exploration. Although the paper addresses al-Qa'ida's relationship with the Sudanese Government and National Islamic Front officials, it also considers other activities al-Qa'ida was able to pursue because it had safehaven in Sudan or because of connections its members made while in Sudan. [REDACTED]

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Al-Qa'ida in Sudan, 1992-96: Old School Ties Lead Down Dangerous Paths [REDACTED]

Terrorist University, 1992-96 [REDACTED]

While based in Sudan from 1992-96, al-Qa'ida was transformed from an only partially realized idea to an international organization ready to operate on its own. The National Islamic Front (NIF) of Sudan—which seized power in a coup in 1989—welcomed al-Qa'ida and other extremist groups during the 1990s largely because these groups shared Khartoum's interests in promoting pan-Islamic unity, toppling moderate Arab governments deemed hostile to Islamist movements, and countering Western influence in the Islamic world. Hassan al-Turabi, the NIF's leader and Khartoum's primary ideologue until his fall in late 1999, considered his primary goal to be the creation of an Islamic state inside Sudan, but he eagerly seized opportunities to cultivate like-minded foreign groups for a variety of reasons.

- A variety of reporting indicates Turabi and other NIF leaders used such contacts primarily to raise and distribute money, develop recruits, provide cover for intelligence activities, and promote their Islamist agenda throughout the Arab world.
- Turabi formed and led the Popular Arab and Islamic Conference (PAIC) in 1991 as the public face of his foreign outreach efforts. Attendees at PAIC meetings throughout the 1990s included PLO, HAMAS, and Hizballah; Iraqi, Afghani, Libyan, and Iranian Government representatives; Islamic nongovernmental organizations (NGOs); and various individuals and groups advocating extremist and militant Islamist agendas. [REDACTED]

With the help of the NIF, al-Qa'ida solidified its formal structure, learned or enhanced key skills, and made the contacts necessary to become a self-

sufficient international terrorist organization. Al-Qa'ida also contributed money, labor, and material to building up Sudan's physical infrastructure.

- In the course of these efforts, [REDACTED] that Sudan facilitated contact between al-Qa'ida leaders and officials from Iran and Iraq.
- Reports vary as to whether Iran, Iraq, and al-Qa'ida worked together or only through bilateral relationships with Sudan and on the date of al-Qa'ida's participation in any joint programs between Sudan and Iran or Iraq. [REDACTED]

Weapons Production and Acquisition

Sudanese officials probably brought al-Qa'ida into its dealings with the Governments of Iran and Iraq to advance weapons production programs. [REDACTED]

Sudanese officials also may have worked alongside al-Qa'ida members to acquire weapons on the international gray arms market. [REDACTED]

This assessment was prepared by the DCI Counterterrorist Center's Office of Terrorism Analysis. Comments and queries are welcome and may be directed to [REDACTED]

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Chemical, Biological, Nuclear, and Radiological (CBRN) Programs

Al-Qa'ida and Sudan also shared the goal of producing chemical, biological, and possibly nuclear or radiological weapons. Senior al-Qa'ida members Mamdouh Mahmoud Salim, a.k.a. Abu Hajir al-Iraqi, and Muhammad Luay Bayazid, a.k.a. Abu Rida al-Suri, were al-Qa'ida's point persons in this effort.

- [REDACTED] al-Qa'ida was working with Khartoum to develop chemical weapons. [REDACTED] al-Qa'ida worked with Sudan on experimental methods to deliver poisonous gases in an explosive that could be fired at US troops in Saudi Arabia and were trying to develop cyanide gas bombs. [REDACTED]

- Al-Qa'ida also attempted to acquire nuclear materials—probably falling victim to scams—and [REDACTED]

The most compelling suggestions of Iraqi-al-Qa'ida cooperation involve chemical weapons. The close relationship that both Iraq and al-Qa'ida forged with Sudan suggests the potential for cross-fertilization.

- Al-Qa'ida procurement officer Abu Hajir al-Iraqi had good ties—not further specified—to Iraqi

intelligence, according to Wali Khan, an al-Qa'ida associate convicted in 1996 for his participation in the Manila Air conspiracy. [REDACTED]

[REDACTED] Abu Hajir went to Iraq at Bin Ladin's request at some point before mid-1995 to discuss cooperation with the government.

- [REDACTED]—after a visit to Khartoum by the director of the Iraqi Intelligence Service (IIS)—[REDACTED]

- Both Bin Ladin and Iraq had connections to Sudan's Shifa Pharmaceutical Plant, which was destroyed by US strikes in August 1998. Bin Ladin may have been connected through his financing [REDACTED]

[REDACTED] revealed the presence of EMPTA, a known precursor used in the production of VX. EMPTA is the route by which Iraq planned to produce VX for its chemical weapon program according to its declaration to the United Nations.

Communications Infrastructure

Abu Hajir, and possibly other al-Qa'ida members, brought some of the necessary communications know-how with them to Sudan from Afghanistan.

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Abu Hajir had previously designed a communications system for the Afghan mujahidin and traveled abroad to unspecified countries with Abu Rida al-Suri and Bin Ladin's brother-in-law Muhammad Jamal Khalifa—both of whom are still at large—possibly to purchase communications equipment.

Financial Infrastructure

Al-Qa'ida benefited from an influx of Saudi investment in Sudan's new government in the early 1990s. The Bin Ladin family, with the backing of the Saudi Development Bank, invested heavily, and family money and connections also aided Bin Ladin in establishing and building up his own businesses in Khartoum. Bin Ladin's businesses included a tannery, constructions firms, and agricultural interests. Other merchants in Saudi Arabia who built business ties to Bin Ladin's companies in Sudan, and who also finance extremists, include Ibrahim Said Badaoud, Adil Batargi, Yasin Qadi, and members of the Jamjun and al-Rajhi families.

- A letter found in Afghanistan in 2002 suggests that Adil Batargi and Yasin Qadi each served as Bin Ladin's financial manager in Sudan at some point before 1996.

Bin Ladin also made financial and commercial connections in Dubai. For example, Bin Ladin's Sudan-based companies and his financial officers opened bank accounts and letters of credit at Dubai Islamic Bank (DIB) with the active help of DIB Chairman Sa'id Ahmed Lootah. In addition, Dubai-based Iraqi sanctions buster Hisham Koprulu was involved in various trading deals with al-Qa'ida companies in Khartoum.

Training on Military Tactics

Sudan provided members of Sunni Islamic extremist groups, including al-Qa'ida, with military training to bolster Khartoum's war in the south and spread the jihad. The regime reportedly operated numerous camps to train al-Qa'ida and other extremists of at least 19 nationalities.

- At some point—we are not certain exactly when—al-Qa'ida began running training camps at Bin Ladin's farms and other facilities in Sudan.

- al-Qa'ida provided the Sudanese with training on guerrilla tactics and, along with other terrorist groups, sent fighters to use in their war in the south.

Relations With Other Groups and States

Through meetings, training, and other activity, the NIF facilitated contacts in Sudan, some of which had first been forged in Afghanistan, between al-Qa'ida members and nearly every noteworthy Islamic extremist group.

- Turabi's PAIC served as one forum for groups to meet from 1991 through its dissolution in 2000. We suspect that discussion of meaningful cooperation between groups occurred on the margins of the annual conferences.

We have good information that al-Qa'ida had established cooperative relationships by 1996 with at least 20 Sunni Islamic extremist groups in the Middle East, South Asia, Africa, and East Asia, as well as with elements of the Saudi opposition.¹ This cooperation entailed generating funding, smuggling routes, training, and, in some cases, terrorist operations. Fragmentary information suggests that al-Qa'ida established relations with other Islamic extremists as well, largely in Africa and Asia.²

¹ These groups were in Afghanistan, Algeria, Egypt, Lebanon, Libya, Morocco, Pakistan, Somalia, Tunisia, and Yemen.

² These group individuals were in Burma, Chad, Israel, Jordan, Mali, Niger, Nigeria, Thailand, and Uganda.

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- Al-Qa'ida and Sudan helped North African groups set up arms smuggling networks in Africa and Europe. [REDACTED]

[REDACTED] They also helped Egyptian groups run an arms smuggling network through Eritrea and Sudan to Egypt. [REDACTED]

- Both al-Qa'ida and the NIF continued relations with Afghan leaders, including warlord Gulbuddin Hiktmayar, who attended at least one PAIC conference. Turabi's relationship with the Taliban is less certain; [REDACTED]

- Fragmentary reporting indicates al-Qa'ida had already supported terrorist operations—through funding, planning, or direct participation—by at least eight of these groups before 1996. For example, al-Qa'ida leaders have publicly admitted to supporting operations in Yemen in 1992 and Somalia in 1993. [REDACTED] suggests al-Qa'ida supported assassination attempts by allied groups against leaders it deemed un-Islamic, such as Egyptian President Mubarak in Ethiopia in 1995 and Libyan leader Qadhafi in 1996 and 1998, and the assassination of Lebanese political leader Nizar al-Halabi. Al-Qa'ida also supported a series of small attacks in Lebanon in 1995 and 1996, the bombing of a hotel in Morocco in 1994, small bombings and other attacks in Jordan in 1994, and attacks on the Paris metro in 1992. [REDACTED]

The NIF and Iran also appear to have facilitated contact between al-Qa'ida and Lebanese Hizballah that led to similar types of cooperation.

- [REDACTED] al-Qa'ida members were among the Sunni extremists who trained with Hizballah in Lebanon sometime after 1992.

- Al-Qa'ida members worked with Hizballah cells in Lebanon and the United Kingdom, [REDACTED]. Al-Qa'ida's presence in Lebanon is now well known, including cooperation with local extremist groups, and terrorist plotting with the Lebanese Asbat al-Ansar group in particular. [REDACTED]

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[REDACTED] Bin Ladin continued to support anti-Saddam Iraqis, however, such as the Iraqi members of al-Qa'ida, and through them, Iraqi Kurdish groups such as the Islamic Movement of Iraqi Kurdistan.

- Iraq also probably used the PAIC as a conduit to contact Islamic groups and states. [REDACTED]

Similarly, Iraq sought Sudanese help to establish contacts with Islamic extremist groups, including al-Qa'ida, [REDACTED]

[REDACTED] While Iraqi President Saddam Husayn and Bin Ladin differ ideologically, we judge that the Iraq-al-Qa'ida relationship in Sudan showed that both wanted to monitor the other as well as to keep the door open to cooperation.

[REDACTED] Turabi had agreed to influence fundamentalist groups in Sudan on Iraq's behalf. [REDACTED] most likely at Turabi's urging, Bin Ladin developed an "understanding" with Saddam that al-Qa'ida would not support any anti-Saddam activities. [REDACTED]

[REDACTED] that official Iraqi contacts with al-Qa'ida, [REDACTED] included senior Iraqi officials, suggesting movement toward cooperation at some level. [REDACTED] these contacts culminated in Iraq's reported provision of explosives training to al-Qa'ida.

- The Paris-based Arabic-language paper *Al-Watan al-Arabi* reported from an unknown source on 18 October 1996 that Sudanese intelligence director Ahmad al-Dabi made several secret trips to Iraq during 1995 to arrange a meeting for Bin Ladin to go to Baghdad via Tehran.

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**Postgraduation: Proven Sustainability Through 2002** [REDACTED]

[REDACTED] the connections and capabilities al-Qa'ida developed in Sudan remained strong after they moved to Afghanistan, and many subsequently expanded.

- Al-Qa'ida may have made use of its weapons production know-how developed in Sudan to establish some sort of weapons—probably small arms—and explosives production facility in Asadabad, Afghanistan, under Egyptian Abu Ikhlas.

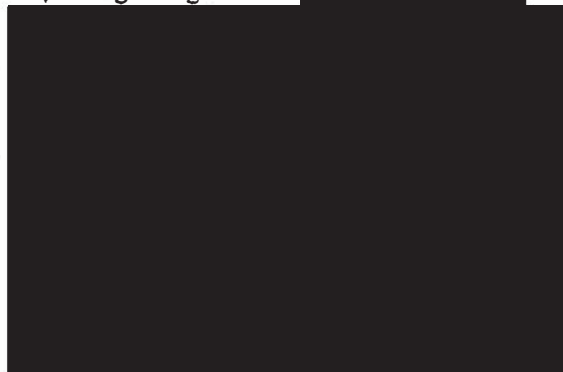
Contacts between Iraq and al-Qa'ida also reportedly occurred at the working level.

- Abu Hajir al-Iraqi, mentioned previously, appears to have served as one such link, [REDACTED]

[REDACTED] Iraq wanted to give the Sudanese the knowledge for biological and chemical weapons and agreed to send the necessary people and equipment to the Sudan.

- According to press reports, Iraq offered “cooperation” to Muhammad al-Mas'ari, a leader of the UK-based Saudi opposition Committee for the Defense of Legitimate Rights (CDLR), a group associated with, but not subordinate to, Bin Ladin.

- Al-Qa'ida members used their communications expertise to reconstruct and improve upon the group's communications infrastructure after relocating to Afghanistan. [REDACTED]



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- [REDACTED]
al-Qa'ida's associations with other Sunni extremist groups, those ties have grown since 1996 to include cooperation on terrorist operations.

- Al-Qa'ida has continued to have periodic contact with Iran. [REDACTED]

- [REDACTED]
Iraq's contacts with al-Qa'ida intensified after al-Qa'ida's successful attacks against the US Embassies in Dar es Salaam and Nairobi in August 1998.

- Upon returning to Afghanistan in 1996, al-Qa'ida took over almost all of the training camps in the country and refocused their curriculum on terrorist tactics.

- Al-Qa'ida and associated groups still have financial links to the individuals who helped fund the Sudanese regime. The US Government listed several of the wealthy merchants mentioned earlier as supporters of terrorism, and their assets were frozen after September 2001. [REDACTED]

Key Programs Are Loose Threads [REDACTED]

Still Working With Sudanese Officials?

Some of al-Qa'ida's historic friends in the Sudanese Government are now senior officials—including the Vice President, Minister at the Presidency, and the Deputy Director of the Internal Security Bureau—

[REDACTED] Since some individuals who were senior al-Qa'ida members from the 1992-96 time frame live in Sudan and appear to have contact with these senior Sudanese officials, it is likely some level of cooperation continues between them. However, we cannot confirm that these ties translate into cooperation between Sudan and al-Qa'ida.

- The architect of the Sudanese regime's relationship with al-Qa'ida, NIF founder Hassan al-Turabi, was purged from the ruling party and placed under house arrest in 2001. [REDACTED]

- We do not know to what extent these former senior al-Qa'ida members are still affiliated with the group. [REDACTED]

[REDACTED] al-Qa'ida members have returned to Sudan, possibly at Bin Ladin's direction, to reestablish a support network there.

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- Al-Qa'ida's network in Sudan is active in document forgery and communications [REDACTED]

• [REDACTED]

CBRN Programs

These ongoing ties suggest that al-Qa'ida could have continued its efforts to acquire CBRN technology at least in part via its contacts in the Sudanese weapons industry. In addition, many of al-Qa'ida's scientists and weapons procurement officers remain at large, and we know little about their activities. [REDACTED]

Working through Sudanese regime ties, al-Qa'ida could procure chemical and biological material through companies that appear to have been formed in Sudan to replace Bin Ladin's businesses when they were nominally disbanded in 1996 and 1997. Bin Ladin's companies or parts of them were sold to sympathetic parties, including some former al-Qa'ida individuals who had worked in Bin Ladin's businesses. [REDACTED]

The most troubling of these enterprises is Atyaf Investments and its successor companies, founded and operated by al-Qa'ida members from Iraq who had nominally broken off to form their own group to oppose the Iraqi regime.⁵ Atyaf's associates included Abu Hajir al-Iraqi, who was jailed in the United States in 1998 for his involvement in the US Embassy bombings in Africa, and Sa'd Muhammad Jahwar, [REDACTED]

a.k.a. Abu Ibrahim al-Iraqi, al-Qa'ida's senior manager in Sudan until 1998.⁶ Abu Ibrahim and Mubarak Abd al-Rezzaq al-Duri remained in Khartoum as of mid-2002.

- The company has gone through several name changes and operates behind several front organizations [REDACTED]

These fronts are also involved in the pharmaceutical industry.⁷ For example, Atyaf Investments, using the Bin Ladin-associated al-Hijra Construction Company and the UAE-based Amyal Trading as cutouts, was involved in illicit transactions [REDACTED]

[REDACTED] these companies still exist, some under different names, [REDACTED]

⁶ An Iraqi with Canadian citizenship, al-Duri has a doctorate in agronomy from the University of Arizona. As of September 2002, he was the general manager of a quarry and investment company in Sudan, [REDACTED]

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- Abu Ibrahim was affiliated in 1999 with the same company he once ran for Bin Ladin, now renamed the Dad Corporation. His brother works for Petrocoast, which has been purchasing former Bin Ladin companies including the Khartoum Tann [REDACTED]

- Al-Duri managed Wadi al-Aqiq during 1994-96, when [REDACTED] it went out of business or changed names due to financial difficulties or pressure from the Sudanese Government. [REDACTED]

Another former Bin Ladin financial manager who might serve as a conduit for CBRN material or gray arms programs is Sharaf al-Din Ali Mukhtar, who periodically ran some of Bin Ladin's companies in Sudan between 1992 and 1997. [REDACTED]

Mukhtar owns a pharmaceutical company in Khartoum and has headed Sudan Shipping Lines. [REDACTED]

Al-Qa'ida might also be able to obtain nuclear-related knowledge or material through other contacts it made during its years in Sudan.

- Al-Qa'ida has hired several nuclear scientists over the years, according to fragmentary, unverified reporting, including an individual who worked in the US nuclear power industry [REDACTED]
- Al-Qa'ida might also be able to procure nuclear weapons related material or know-how through individuals in the North African arms network it and Sudan helped establish in Europe and the United States. Four leaders of this network have doctorates in nuclear physics and have worked in scientific facilities in Switzerland and Saudi Arabia.

We have no information that the network has smuggled nuclear-related material or knowledge and do not know if the individuals have access to the specific types of information that would be useful to al-Qa'ida. [REDACTED]

Gray Arms

Al-Qa'ida procurement officials may have looked to tap previous ties made through Sudanese officials or arms brokers when seeking alternate sources for arms. Al-Qa'ida might be able to piggyback on legitimate or gray market arms deals either with the knowledge of government officials or via their arms brokers.

- For example, an al-Qa'ida member [REDACTED] arranged via a Chinese company in Kenya to travel to China to purchase weapons. [REDACTED]

Cooperation With More Obscure Extremist Groups

We have little or no current reporting on the state of al-Qa'ida relations with several Islamic extremist groups in Africa and Asia with which it appeared to have had relations in the mid-1990s, such as those in Thailand and Senegal. Given the trends in cooperation highlighted above, and indications that planning for the Bali bombing in October 2002 may have taken place in Thailand, it is likely that some of these relationships have progressed since the mid-1990s. At a minimum, some of these groups may have provided protection, logistic support, or other nonlethal assistance to al-Qa'ida.

- We also question whether the Syrians in al-Qa'ida remain part of the Syrian Muslim Brotherhood, or a splinter faction, which may have its own subnetwork and agenda. [REDACTED]

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Implications (U)

Collection gaps since 1996 leave us potentially vulnerable to surprise in several key areas relating to al-Qa'ida's terrorist capabilities and sustainability.

- Al-Qa'ida might already have obtained equipment or expertise required to improve its chemical, biological, and nuclear capabilities via what we have reason to suspect are ongoing contacts with officials in Sudan's weapons industry.
- We could be surprised by an attack, assisted by al-Qa'ida or other groups, from Islamic extremists who have not yet attacked US interests but who reportedly established relations with al-Qa'ida in the mid-1990s, such as those in Senegal or Thailand, or the Jama'at al-Fuqra in North America.
- Sudan itself could once again serve as a safehaven for elements of al-Qa'ida—where they might renew connections or programs begun in the mid-1990s—especially given the limited Sudanese cooperation in extraditing or arresting al-Qa'ida members.
- The capabilities and contacts al-Qa'ida forged in Sudan, including with Iran and Iraq, may give it more flexibility in designing creative responses to the loss of its safehaven in Afghanistan. [REDACTED]

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